

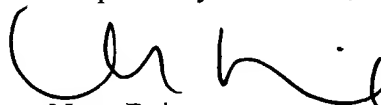
REMARKS/ARGUMENTS

It is respectfully requested that the cited references in the Supplemental Information Disclosure Statement being filed herewith be expressly considered and made of record in the Request for Continued Examination, also being filed herewith. The references cited in the accompanying Supplemental Information Disclosure Statement, were identified by either or both parties in litigation between Align Technology, Inc., assignee of the above-referenced patent application, and Ormco Corporation in case no. SACV 03-16-GLT (ANX) before the U.S. District Court, Central District of California, Southern Division, as being potentially relevant to the design, fabrication, and/or use of removable orthodontic appliances and/or to the use of computers or other automatic means for calculating final or intermediate tooth positions for orthodontic treatment.

Applicant's response to the final office action of May 17, 2004 is in the form of a Notice of Appeal, filed herewith. Applicant requests that any possible further rejection(s) be made in an advisory action so Applicant may adequately address all outstanding rejections in Appellant's Appeal Brief.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Nena Bains
Reg. No. 47,400

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
Attachments
NB:gsh
60321710 v1